

media links", filed May 26, 2000 and issued July 27, 2004, hereinafter "Sass". Applicant is traversing the rejection on the grounds that Sass was filed after the 10/29/1999 priority date of the present application and is consequently unavailable as a reference. In order to guide Examiner in his further search, Applicant will also point out why the combination of Levy and

5 Sass, if it were proper, would not render Applicant's claims obvious.

### Traversal

#### Sass' unavailability as a reference against Applicant's claims

As set forth in the *Cross references to related applications* of the present application, the present application, which was filed on 3/11/2004, is a divisional of U.S. patent application 09/429,839, now U.S. Patent 6,735,598, which was filed 10/29/1999 and issued on 5/11/2004. Because that is the case, the priority date for the present application is 10/29/1999, which is earlier than Sass' 5/26/2000 filing date. Sass is therefore not available as a reference against Applicant's claims.

15 **Why the combination of Levy and Sass would not anticipate Applicant's claims even if  
Sass were available**

Most of the disclosure for what Applicants are claiming in the present application may be found at page 21, line 29-page 24, line 8. As set forth at page 22, line 29-page 23, line 2 of the present

20 application,

Because of the problems with delivering streaming data through a database system, database systems have generally been limited to providing the *location* of the desired streaming data to the user, with a separate interaction between the user and the source of the streaming data being required to actually obtain the video or audio data.

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Sass is a good example of this prior-art solution to the problem of delivering streaming data through a database system. This fact is clear from steps 530-570 of the flowchart of Sass' FIG. 5A and the discussion of those steps at col. 11, line 66-col. 12, line 37. As set forth at both

30 locations, server 120 (see FIG. 1) obtains the URL for the band and channel desired by the user from database table 160, (540), provides the URL to client system 110 (550), and client system 110 uses the URL to access the streaming data (560,570). It should be pointed out here that Sass's col. 11, line 66-col. 12, line 37 contains the portions of Sass which Examiner cites in his final rejection. See page 3 of the final rejection.

The way that Applicant's systems and methods handle the interaction between the search server, the streaming data server, and the user of the streaming data is shown in Applicant's FIG. 10 and explained at page 23, line 16-page 24, line 8:

5 DBMS search server 1009 and the user of system 1005 continue exchanging information until the user of system 1005 makes a choice of a given streaming data item. At that point DBMS search server 1005 makes a query 1013 to "retrieve" the field that represents the given streaming data item. In response to this query, DBMS system 1009 executes the open method for streaming data items. This method does not, however, actually open the given streaming data item for import into DBMS system 1009. *Instead, it returns a message 1014 to DBMS search server 1007. The message contains at least the URL of the given streaming data item and may also contain a description of the streaming data item.* DBMS search server 1007 adds at least the current IP address of system 1005 to the message and initiates HTTP exchange 1025 between DBMS search server 1007 and plugin 1021 for search server 1007 in streaming data server 1019(i) that contains the given streaming data item. The exchange provides plugin 1021 with the information it needs to specify a connection between system 1005 and streaming data server 1019(i). Once the connection is specified, streaming data server 1019(i) establishes the connection with streaming data plugin 1006 in system 1005 and begins interacting with the plugin according to streaming data protocol 1027. Thus, having initiated the establishment of a connection between streaming data server 1019(i) and system 1005, DBMS search server 1007 "steps aside" and thereby avoids the necessity of running the streaming data connection through DBMS system 1009.

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As indicated in the italicized portion of the above description, the initiation of connection between user system 1005 and streaming data server 1019 is the result of an interaction between DBMS search server 1007 and streaming data server 1019, not the result of an interaction between DBMS search server 1007 and user system 1005 followed by an interaction between user system 1005 and streaming data server 1019, as in Sass and the prior art.

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Applicant's independent claims 1, 5, 9, 15, 19, and 23 all clearly set forth the foregoing distinction between the prior art solution of Sass and page 22, line 29 page 23, line 2 of the present application. Claim 1 is typical:

35 1. (currently amended) A method *performed in a search server* of initiating a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:

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receiving a specification of the streaming data item from the client via the network;

using the specification to make a query on a database system that is accessible to the search server, the query returning a first identifier that identifies the streaming data item; and

*providing the first identifier and a second identifier to the streaming data item server* that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

As indicated by the italicized portions of the claim, the steps of the claimed method are performed "in [the] search server", i.e., the method "initiate[s] a connection" between the client and the streaming data item server without any action by the client. Why no action by the client is needed is set forth in the italicized portion of the third clause of the claim's body—namely because the *search server* provides the first identifier that identifies the streaming data item and the second identifier that identifies the client to the *streaming data item server*. The *streaming data server* then uses the first identifier and the second identifier to establish the connection between the client and the streaming data item. This is not what Sass discloses, and consequently the combination of Sass and Levy does not disclose all of the limitations of claim 1 and could not render claim 1 obvious even if the Sass reference were available as a reference. Examiner will immediately see that the argument just made with regard to claim 1 applies equally to the other independent claims.

#### 25 **Dependent claims 3, 7, 13, 21, and 27**

The added limitations in these claims are set forth in claim 3:

3. (original) The method of initiating a connection set forth in claim 1 wherein:

the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

35. Examiner finds the additional limitations at col. 4, lines 26-36 of Levy. The cited location describes the operation of plan generator 114 in FIG. 1. What plan generator 114 does is "formulate[] a plan for answering the query that satisfies and exploits the capabilities of the information sources". There is no indication whatever that the plan generator is an "object

relational database system" within the meaning of the term "object relational" as it is defined at page 9, lines 11-25 of Applicants' Specification, that the plan generator "includes a table containing an object that represents the streaming data item, that the plan generator defines "an open method" for the object [that represents the streaming data item]", or that the plan generator 5 "respond[s] to the query by executing the open method". Sass adds nothing to this disclosure; the database shown at 935 in Sass' FIG. 7 contains perfectly standard tables 940. See col. 16, lines 55-60. Because neither Levy nor Sass discloses the added limitations of claim 3, the combination of references does not show all of the added limitations of the claim, and claim 3 is patentable in its own right over the references. The foregoing argument applies equally to 10 claims 7, 13, 21, and 27.

**Dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28**

As for these claims, the Rodriguez reference which is added to supply the additional limitations of these claims has a filing date of September 23, 2002 and a publication date of July 27, 2004, 15 and would consequently not appear to be available as a reference against the claims of the present application.

**Conclusion**

Applicant has demonstrated that Sass is not available as a reference against the claims of the 20 present application and has thereby demonstrated that Examiner's rejection of the claims under 35 U.S.C. 103 as obvious over the combination of Sass and Levy is without basis. Applicant consequently respectfully requests that Examiner withdraw the finality of his rejection and continue with his examination. No fees are believed to be required for this amendment. Should any be, please charge them to deposit account number 501315.

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Respectfully submitted,

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2/5/2010

Date

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